

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GINA MARIN, on behalf of herself and others  
similarly situated, et al.,

Plaintiffs,

-v-

310 BOWERY GROUP LLC, et al.,

Defendants.

CIVIL ACTION NO. 24 Civ. 1340 (SLC)

**ORDER PRELIMINARILY APPROVING  
CLASS ACTION SETTLEMENT AND  
PROVIDING FOR NOTICE**

**SARAH L. CAVE**, United States Magistrate Judge.

**WHEREAS**, the above-captioned matter is currently pending before this Court;

**WHEREAS**, Plaintiff made an application pursuant to Federal Rule of Civil Procedure 23(e) for an order preliminarily approving the settlement of the claims alleged by the tipped employees in this case, in accordance with a Settlement Agreement and Release dated February 19, 2025 (the “Agreement”), which, together with the exhibits annexed thereto, sets forth the terms and conditions for a proposed settlement against Defendants and for dismissal of the complaint against Defendants with prejudice upon the terms and conditions set forth therein, and the Court has read and considered the Agreement and the exhibits thereto; and,

**WHEREAS**, all terms contained and not otherwise defined herein shall have the same meanings set forth in the Agreement (ECF No. 90-1) and the Court's Opinion & Order dated March 24, 2025 (the “Preliminary Approval Order”).

**PURSUANT** to the Preliminary Approval Order, it is **ORDERED** as follows:

1. The Court preliminarily approves the settlement set forth in the Agreement as being fair, just, reasonable and in the best interests of the Settlement Class.

2. The Court conditionally certifies the Settlement Class pursuant to Federal Rule of Civil Procedure 23(b)(3) and 29 U.S.C. § 216(b) for purposes of settlement only.
3. The Court appoints Joseph & Kirschenbaum LLP (the “Firm”) as Class Counsel.
4. The Court approves as to form and content the Class Notice and finds that the mailing and distribution of the Class Notice substantially in the manner and form set forth in the Agreement constitutes the best notice practicable under the circumstances, and constitutes valid, due, and sufficient notice to all persons in the Settlement Class, complying fully with the requirements of Federal Rule of Civil Procedure 23, the Constitution of the United States, and any other applicable laws.
5. The deadline for Class Members to object to the Agreement or opt out of the Settlement Class shall be 60 days from the date the Class Notice is mailed.
6. The Court appoints XPand Legal as the Claims Administrator because the parties preliminarily identified XPand Legal as the Claims Administrator in paragraph 1.6 of the Agreement.
7. The Fairness Hearing is scheduled for **July 17, 2025 at 2:30 p.m. ET** in Courtroom 18A, 500 Pearl St., New York, NY 10007, to determine whether: (i) the proposed settlement of this case on the terms and conditions provided for in the Agreement is fair, just, reasonable, adequate, and in the best interests of the Class; (ii) the Agreement should be approved; (iii) an Order and Final Judgment, as provided in the Agreement, should be entered; and, (iv) to determine the amount, if any, of attorneys’ fees and costs, settlement administration costs, and service awards that should be awarded.

8. The Court reserves the authority to adjourn the date of the Fairness Hearing without further notice to the Class Members and retains jurisdiction to consider all further applications arising out of or connected with the proposed settlement. Notice of any adjournment can be obtained from the Firm: Joseph & Kirschenbaum LLP, 32 Broadway, Suite 601, New York, NY 10004; Telephone number: (212) 688-5640. The Court may approve the settlement, with such modifications as may be agreed to by the settling parties, if appropriate, without further notice to the Settlement Class.

9. On or before **July 10, 2025**, the Firm shall move the Court for final approval of the settlement and submit a memorandum of law in support of the Class Representatives' application for attorneys' fees and costs, settlement administration costs, and service awards.

Dated: New York, New York  
March 24, 2025

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge